

## **FREQUENTLY ASKED QUESTIONS**

### **18. U.S.C. §§ 1033-1034**

Q. If I am applying for an insurance license, do I apply for Consent to Work in the Business of Insurance before I apply for licensure?

**A. Yes. Applicants subject to 18 U.S.C. § 1033 are required to obtain written consent from the West Virginia Offices of the Insurance Commissioner before any license application shall be considered.**

Q. If I live in a different state than the one in which my current or future employer is located, which state do I file my application in?

**A. If you are a licensed insurance producer, you must apply for consent to the state where your resident license was issued. If you are an officer, employee, etc., you must apply for consent from the state where the home office of the insurance company is located.**

Q. How do I know if my felony conviction meets the “Prohibited Person” guidelines?

**A. The Offices of the Insurance Commissioner encourages every convicted felon working in the business of insurance to apply for a waiver so that a determination can be made as to whether the conviction falls within the guidelines of 1033/1034. If not, the applicant will be so notified.**

Q. If an applicant has been granted consent to work in the insurance industry by any state, do other states have to honor the consent?

**A. Yes. Once consent is granted by any state, other states must allow the applicant to work in their state as well.**

Q. Once consent is granted, will it remain current indefinitely?

**A. No. If the conditions of the consent are not continually met, the consent may be withdrawn. Employers may contact the state insurance department to check the status on an employee or future employee's consent to work.**

Q. Can I receive a Temporary Waiver?

**A. It is not the policy of the West Virginia Offices of the Insurance Commissioner to issue a consent to work in the business of insurance temporarily.**

Q. How long does the process typically take?

**A. As soon as the 1033 Advisory Committee receives a completed application, along with all of the attachments, the review process usually takes about 2 weeks, unless the Committee feels that additional information needs to be requested from the applicant.**

Q. Can I continue to sell insurance if I am already licensed and discover that I am a prohibited person?

**A. If you find that you meet the criteria of a "prohibited person", please contact the Offices of the Insurance Commissioner, Agents Licensing & Education Division, (304) 558-0610.**

Q. Is it the insurance company's obligation to fulfill the 18 U.S.C. §§ 1033 requirements with temporary employees hired through an employment agency?

**A. Yes. Even though these individuals are not technically employees of the insurance company, they are still working in the business of insurance and could be a threat to the public. The insurance company must ascertain if temporary employees have felony convictions that would meet the criteria of applying for a Consent to Work waiver and make application to the West Virginia Offices of the Insurance Commissioner.**